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Weather-Thursday,

Metal Market.

Silver 50%c per ounce. Copper (cathodes), 12 7-18c per pound. Lead, \$4.00 per 100 pounds.

OIL OCTOPUS TOO MUCH FOR UNCLE SAMUEL

Celebrated Case Brought to a Provision for Strictest Sort of Sudden Close by Judge Anderson.

PROOF TO CLINCH THE CASE NOT FURNISHED

JURY INSTRUCTED TO BRING IN A VERDICT OF "NOT GUILTY."

Chicago, March 10 .- "Not guilty." Standard Oil company of Indiana.

defendant company at one time faced a unit for local option elections. As passed

wilfully accepted a lower rate, and there

form, and the evidence you have heard, as presented by the government, may have given you some opinion of your own as to how this case should be decided. You have no arbitrary power. Neither have I, as a federal judge, any such power. I am bound by the law as you

are.

"When the United States court of appeals lays down the law we are bound by our oaths to obey this law.

"The Standard Oil company has been indicted and the government avers in its indictment that a rate of 18 cents per 100 pounds on shipments of oil was a fixed standard and that, regardless of this, the Chicago & Alton railroad gave the defendant concessions, allowing the oil company to ship oil over its road at a rate of 6 cents. The government failed to prove this charge.

"Mhen the United States court of appeals and taken place. Senators Badger, Wilson and others who supported the substitute measure, and had spurned every effort of the opposition to introduce any amendments, were among the first to seek a compromise. It was asked that the bill go over to come up as a special order at 2:15 in the afternoon. The request was granted.

At noon a caucus was called which was attended by seventeen members of the senate. Senator Badger, speaking for the members friendly to the masure, asked on what compromise the opposition would

Must Be No Doubt.

with a criminal offense and therefore a jury, before it can find the defendant guilty, must be satisfied beyond all reafixed rate of 18 cents.
"The proof offered by the evidence does

sequently the defendant cannot be held of sail. I with reference to brew-on charges of accepting rebates on ship-ments from that place.

"Altogether, I feel that the government amendment, making cities of more than

Continued on Page 6.

SENATE PASSES COMPROMISE

Regulation and County Option on Prchibition.

OPTION FOR CITIES OF **OVER 12,000 POPULATION**

SALT LAKE AND OGDEN MAY VOTE AS SEPARATE UNITS-SURPRISING SUPPORT.

The senate yesterday by a unanimous This is the result reached today in the vote passed senate bill 148. This bill progovernment's famous suit against the vides for the strictest sert of regulation tandard Oil company of Indiana. and county option, except that cities of The suit of the government, wherein the more than 12.000 inhabitants are made the defendant company at one time faced a fine of \$29,240,000 at the hands of Judge Landis on a charge of having accepted rebates from the Chicago & Alton railroad, came to an end abruptly.

Judge Anderson, before whom the case was brought after reversal by the United States court of appeals, instructed the jury to find a verdict of not guilty.

Judge Anderson's decision was not altogether unlooked-for, he having previously announced that the proof relied upon in the first trial was incompetent and it was with something of an air of hopelessness that District Attorney Sims and his assistants attempted to show the admissibility of the Illinois classification to prove the existence of a legal rate of 18 cents. This was a vital point in the government contention.

Could Not Furnish Proof.

Assistant District Attorney Wilkerson admitted that the prosecution could not furnish the proof deemed necessary and wind the vital acceptance with the reach county in the state, save Sait Lake and Weber, may vote on the prohibition question, and the the county as a whole shall make the county "wet" or "dry" in accordance with the result of the election. Sait Lake and Ogden are permitted to vote as separate units on the prohibition question, and they will in no way be affected by the vote of the county "wet" or "dry" in accordance with the result of the election. Sait Lake and Ogden are permitted to vote as separate units on the prohibition question, and they will in no way be affected by the vote of the county "wet" or "dry" in accordance with the result of the clection. Sait Lake and Ogden are permitted to vote as separate units on the prohibition question, and they will in no way be affected by the vote of the county. This is conceded to mean that the saloons will remain in existence in Sait Lake and Weber, although there may be none in any other part of the state.

The passage of the bill in its present form is a remarkable personal victory for Senator Rudolph Kuchler. By the passage of the bill in its present which is a propose

Assistant District Attorney Wilkerson admitted that the prosecution could not furnish the proof deemed necessary and suggested dismissal.

Attorney Miller then moved for an instructed verdict of not guilty. This was ordered.

The decision of Judges Grosscup, Baker and Seaman, of the United States circuit court of appeals, reversing Judge Landis, together with the action of the United States supreme court in refusing to review the decision of the court of appeals, played an important part in disposing of the case.

What he has fought for almost single-nanded ever since the commencement of the session.

Kuchler's Hard Work.

Senator Kuchler led the fight for those opposed to prohibition, and through his efforts the Cannon bill for state wide prohibition was defeated. As a substitute for the Cannon bill the leaders of the Republican ranks secured the introduction of a bill putting the saloon business under the control of a state licensing board. Senator Kuchler opposed the prohibition of a bill putting the saloon business under the control of a state licensing to review the decision of the court of appeals, committee report. Caucus after caucus Whether prosecution on seven other indictments still pending against the company will be instituted, District Attorney Sims would not express an opinion, stating that the question rested entirely with the attorney general.

The district Attorney is a series of the company will be instituted, District Attorney is a series of the company with the attorney general.

The district of was decated by an adverse was after caucus after caucus was held and county local option was practically agreed upon. Senator Kuchler also opposed this, insisting that Salt Lake and Ogden be made units in the proposed local option elections.

Finally the senate substitute was introduced by an adverse of the committee.

The Question at Issue.

The question of whether the celebratea case should be continued hinged on the introduction as evidence of Tariff 24 in its application to the Illinois classification issued in 1889 making a rate of 18 cents on oil from Whiting, Ind., to East St. Louis, and which attorneys for the defense contended had been super-

Judge Anderson explained his position to the jury and announced that if the case was to go to the jury and a verdict was returned he could do nothing but set aside the verdict.

"There is absolutely nothing on which a continuation in this case could stand before any court in this country," the court said in concluding his charge to the jurors. "The government has failed to prove its contention that the 18-cent rate was the lawful rate between Whiting and East St. Louis and that the defendant had wilfully accepted a lower rate, and there

of that election the state was to be either high license or prohibition.

After some considerable delay, caused by skillful maneuvering on the part of the apparently outnumbered Kuchler forces, the bill came up for tinal passage on Monday. It was announced that the governor had a special communication to send to the senate on the subject, and the subject was postponed until Tuesday merged.

Then a communication was read from the governor, on which the passage of a bill providing for local option and regulation, without radicalism.

After some considerable delay, caused by skillful maneuvering on the part of the apparently outnumbered Kuchler forces, the bill came up for tinal passage on Monday. It was announced that the governor had a special communication to send to the senate on prohibition.

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wilfully accepted a lower rate, and there is nothing to do but for the jury to find over proposed amendments to the bill.

The opposition to the measure finally secured the adoption of an amendment by which the election of 1910 for state-wide which the election of 1910 for state-wide almost a limitated. Judge Anderson's charge to the jury was:

"Gentlemen of the jury: I have made up my mind to end this case. You, as jurors, have a perfunctory office to perform, and the evidence you have heard, the the reversion was eliminated. Almost every other amendment to the bill proposed by the opposition was lost. The form, and the evidence you have heard, denounced churchmen and the Deseret.

Must Be No Doubt.

agree. There was a great deal of discussion and after an hour and a half the supporters of the bill reluctantly agreed to accept every amendment proposed by Sen-

ator Kuchler, although on the floor of the senate most of these amendments had previously been rejected. When the bill came up for discussion Senator Badger moved one of the Kuch-"The proof offered by the evidence does not support the charges relative to the Chappelle, Ind., shipments. Consequently the defendant cannot be found guilty on charges that embrace shipments from that point to St. Louis.

"Proof of publication has not been made with reference to the alleged illegal shipments of oil from Whiting, Ind., and consequently the defendant cannot be held sequently the defendant cannot be held instead of Jan. 1 with reference to brewsers of accenting rebates on ship-

Continued on Page 2.

SCENES AT MOUTH OF TUNNEL



ed that he would appeal from the

Unjust Decision.

GOVERNORS APPROVE.

ena, Mont.; J. A. Delafelder, Wolton, meeting Mrs. Atherton, had welcomed an Wyo.; Thomas Austin, Salt Lake City; introduction he should have shunned. Con-

Mark T. Cox, New York; J. W. Scott and W. P. Hypes, Chicago.

The building will occupy nearly two acres of ground. It likely will be ready for occupancy May 15, in ample time to Northland, but he thought that her letters to Northland were indicative of guilty retake care of this year's clip of wool. It is proposed to store at least 25,000,000 take care of this year's clip of wool. It is proposed to store /at least 25,000,000 bounds of wool this season and arrangements are under way to increase the amount to 50,000,000 pounds the second year.

Lord Northland's counsel immediately gave notice of an appeal. Both Lord Northland and Mrs. Stirling were present in court when the decision was rendered. The attorney for Mrs. Stirling also an-

The Montana Clip.

Butte, Mont., March 10 .- A Miner special from Great Falls says: The first estimate of the proportion of the Montana wool clip of the coming season, which has been disposed of by advance contracting, was made today by W. R. Sheldon, general agent for the Wisconsin Central lines, who is probably the best posted railroad man in the state concerning the wool situation. Mr. Sheldon cerning the wool situation. At the states that eastern buyers have already contracted for 14,000,000 pounds, or about 40 per cent of the entire clip. The cllp this year is estimated at 36,000,000 pounds, of an increase over last year of about 2,000,000 pounds. This is due to the fact that there has been but little shipment of sheep out of the state since last shearing time, and the lamb increase has built

Miss Jennie Crocker May Own Pearl Necklace Found in Omaha.

WOOL GROWERS WOMAN GUILTY; PRIEST KILLED

while on the way to the hospital. Other priests in the rectory hearing the shots rushed toward the parlor, whereupon the assassins fled from the hour cand escaped. Four suspects have been arrested. but the housekeeper was unable to identify ony of them.

The tragedy is believed to be the cul-

The tragedy is believed to be the culmination of a series of factional fights which have disrupted the church for many months. Father Ansion was assigned to the church by Bishop O'Connor last fall after the former rector had been terrified into fleeing from the city. Strong opposition developed to Father Ansion, and he was threatened many times.

The first real announcement of the rescue was given in the smile upon the face to of one of the rescuers as he came out of the transition of the rescue was given in the smile upon the face to of one of the rescuers as he came out of the rescue was given in the smile upon the face to of one of the rescuers as he came out of the rescue was given in the smile upon the face to of one of the rescuers as he came out of the rescue was given in the smile upon the face to of one of the rescuers as he came out of the transition. Johnson, begrimed with soil and with the tense lines of his face relaxed in a happy opposition developed to Father Ansion, and he was threatened many times. The police said that Father Ansion had been collecting funds for a new church and that this was the cause of the sponse when the tenseness of the situa-Washington, March 10.-The decision handed down in Edinburgh today grant-ing a divorce to Captain John Alexander

Partially Identified.

Stirling from his wife, Clare Elizabeth Stirling, an American girl, was declared unjust by Charles H. Taylor of this city, the father of Mrs. Stirling. He insisted that the court had completely ignored the One of the four men under arrest was partially identified by the wounded house-keeper, who said that he resembled very much one of the assailants. He gave his that the court had completely ignored the evidence incriminating Captain Stirling, heeding only what he claims was manufactured testimony damaging to Mrs. Stirling's character. He said his daughter had been treated unfairly all the way through though "she had the sympathy of all England behind her."

Mr. Taylor took strong exception to the court's comparison of Mrs. Stirling with Mrs. Atherton. He said that while his daughter had no royal blood in her veins she comes from honest and upright people whose record for honor can be traced back for seventy years in one American name as Alexander Souginkowski of this city. All the arrested men, the police say, are members of St. Stanislaus church. Souginkowski is an ex-policeman and a trustee of St. Stanislaus church. When Father Ansion was sent to the church by then there has been much strife. The po-lice today were ordered to arrest all the

Castro Will Be Arrested as Soon as He Lands in Venezuela.

March 10.—Miss Jennie Crocker of San Francisco today requestde the police to hold the pearl necklace of the police to hold the pearl necklace february 22 composed of fifty-three pearls of the first water and of even more value than Mr. Heinze placed on the last of the pearls which he identified. She be earlied to the pearls which he identified. She be allowed for the pearls which he identified. She be allowed for the pearls which he identified. She be allowed for the pearls which he identified. She be allowed for the pearls which he identified. She be allowed for the pearls which he identified. She be allowed for the pearls which he identified in the pearls which he identified. She pearly composed of the movement to fix the pearls which he identified. She be allowed for the pearls which he identified. She pearly was organized in 1962 and because the pearls which he identified. She pearls which he identified the pearls which he identified. She pearls which he identified the pearls which he identified the pearls which he identified. She pearls which he identified the pearls which he id Washington, March 10.-Voicing their hearty approval of the movement to fix the inauguration date on the last Thurs-

ORAGGED FROM DARK VAUL AFTER 50 HOURS OF AGONY

Intelligent Efforts of Expert Mining Men Turn Tide in Favor of Rescuing Party in St. Patrick Tunnel.

Jerry and George Peterson Emerge From Ordeal in Good Condition-Dramatic Incidents of Spectacular Escape.

At 5:56 o'clock Wednesday afternoon Jerry and George Peterson, blindfolded and swathed in overcoats and blankets, were led from the black recess of the St. Patrick tunnel in Heughs canyon, in which they had been entombed for fifty hours.

Yesterday morning Samuel Newhouse sent his chief engineer, M. M. Johnson, and Phil Flynn, an expert miner, to supervise and aid in the rescue of the two brothers. The rescue of the men was largely due

The men were cheerful and showed little ill-effects from their imprisonment in the mine. They were given hot milk and put to bed, relapsing immediately into a deep sleep.

After being entombed in the earthen tenderly into the wagon the brother, vault of the St. Patrick mine in the high mountain side of Heughs canyon for fifty hours. Lerry and George Peterson were hours, Jerry and George Peterson were dragged out feet foremost through a hole barely large enough to permit their exit. Scores of men worked unceasingly for two days and two nights to accomplish their

During all those fifty long hours, the minutes of which were like hours, the two minutes of which were like hours, the two
miners underwent an experience that few
men could survive. Without closing their

After working nearly twenty-four hours
the rescuing party felt sure Tuesday night that the Petersons would be

rescuing party, their physical condition was surprising. With the support of strong arms, they were able to walk out of the tunnel to the wagon, which conveyed them to their home. The physician directed that the men should be given hot milk and that they be kept warm in bed.

A Dramatic Climax

The subject was postported in the subject was postported was postported by the subject was postported by the subject was postported in the subject was postported was postported by the subject was postported was postported by the subject was postp about the hole in the mountain a sobbing tone was heard, and a passing glimpse caught many a glistening eye. The suspense of that moment was almost mad-

dening. Suspense Is Broken.

sponse when the tenseness of the stata-tion was broken with the appearance of a strange, weird-looking figure led in his faltering steps by two men. It was George Peterson, but so swathed in quilts and bandages that he was unrecognizable. To the crowd he was simply one of the men whom they had worked for two days and nights to rescue, and the recognition was given in one long-drawn breath that was heard above the wind whistling down the ravine. The sudden relief from fear and suspense seemed too great for vocal extended to the restricted their lot. When they is to accept their lot. When they is the voices through the pipe, however the voices through the voices through the pipe, however the voices through the voices thro

during the past two days.

Another Slide Occurs.

"Come now, get dry clothing on them. Get them in bed. Make some hot cof-fee and keep them warm—and let them

The two men who so valiantly stood their ground against death were not only thankful, but exceedingly cheerful, apparently in the best of spirits, and protested that "they were all right." Had he been that "they were all right." Had he been given the opportunity it is likely that Jerry Peterson would have insisted on walking to his home.

Talks of Experience.

During the journey to the home and while being prepared for bcd he spoke freely of the experience. To those about him he said that when the cave-in occurred on Monday, during the hours they waited before their condition was dis-covered, both lost hope and prepared for death. As if to shut it from memory, the talk between the brothers at that time was not alluded to except that they meant to accept their lot. When they heard the voices through the pipe, however, and knew that willing hands had begun the were forgotten in the eagerness to lend their own aid in working their way out. pression and not a word was uttered. With a sudden impulse, however, dozens of hands were outstretched almost at the same moment to assist the men who had been so near to death. As he was lifted

ple whose record for honor can be traced back for seventy years in one American MAN WITHOUT A COUNTRY. STEAMERS COLLIDE DURING FOG AND city (Quincy, III.). ONE GOES TO BOTTOM --- NO LIVES LOST

****** on coffee, took it off again, and as the bill Washington, March 10.—It was authoritatively learned tonight that the how tariff bill, which will be submitted to the house at the special session by the ways and means committee, will contain these recommendations.

TARIFF BILL WILL PROVIDE FOR DUTY

OF FOUR CENTS PER POUND ON COFFEE

the members of the house committee on vored the lowest duties. Representatives the members of the house committee on the first day practicable, the house on the first day practicable, the probabilities are that there will be so much to do in the way of organizing the house and getting ready for business that it will be impossible to have it presented on the first day.

The proposition to place a duty on coffee is understood to be a matter concerning which there is much difference of the proposition in the committee. During its de-

the result of which has been to give the committee a vast fund of information tions:

Lead and copper, no change; sugar,
no change; iron ore, placed on free
list; rails and billets, substantially
reduced; pig iron, 25 per cent. Texreduced; pig iron, 25 per cent. Textiles, graduated tariff on high grade
cotton, and silk goods an increased
tax; on medium grade, no change; on
low grade, a reduced tariff.

the result of which has been to give the
committee a vast fund of information
from which to determine an equitable tax.
It is claimed for the Payne tariff bill
that it will be correct theoretically, and
while it will afford the best basis at hand
to evolve the
committee a vast fund of information
from which has been to give the
committee a vast fund of information
from which has been to give the
committee a vast fund of information
from which has been to give the
committee a vast fund of information
from which to determine an equitable tax.
It is claimed for the Payne tariff bill
that it will be correct theoretically, and
to evolve the new tariff, it is expected
to evolve the new tariff. Washington, March 10.—The new tariff bill will probably see the light for the first time next Tuesday. The desire of first time next Tuesday. The desire of the house committee on

opinion in the committee. During its de- interests of their constituencies, but have liberations the committee placed a duty generally been open to compromise,

RIVAL CLAIMANT.

Omaha, Neb., March 10.-Miss Jennie